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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

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U.S. DISTRICT COURT
By ARLEN B. COYLE CLERK
Deputy

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

Zundria D. Crawford
Plaintiff(s)

v.
Baxter Healthcare Corporation,
Jim McDonald, Georgia Smith,
Lori Verhage, and Becky Nowell
Defendant(s)

CIVIL ACTION NO. 8:06CV125-P-A

COMPLAINT

1. This civil action is commenced by Zundria D. Crawford, Plaintiff, under the following statutory law (place a check mark in the appropriate box):

- ☒ Title VII of the Civil Rights Act of 1964, 42 USC §§ 2000e et seq., for employment discrimination on the basis of race, color, sex (gender, pregnancy, and sexual harassment), religion, or national origin.
- ☐ The Age Discrimination in Employment Act [ADEA], 29 USC §§ 621 et seq.
- ☐ The Americans With Disabilities Act [ADA], 42 USC §§ 12102 et seq.
- ☐ The Equal Pay Act [EPA], 29 USC § 206(d).
- ☐ The Rehabilitation Act of 1973, 29 USC §§ 791 et seq. (Applicable to federal employees only).

2. Plaintiff's address is P.O. Box 681 ; Cleveland, MS 38732
(Street or P.O. Box) (City) (State) (ZIP)

3. Defendant's address is 911 North Davis Ave. ; Cleveland, MS 38732
(Street or P.O. Box) (City) (State) (ZIP)

4.A. Plaintiff (check one)—

- ☐ sought employment from the Defendant
or,

☒ was employed by Defendant at Cleveland, Mississippi
(City and State)

4B. If Defendant is an employer—

☒ At all times relevant to this claim of discrimination, Defendant had 750 employees.
(Insert number)

4C. If Defendant is a union—

☐ At all times relevant to this claim of discrimination, Defendant had _____ members.
(Insert number)

5A. If the act(s) of discrimination happened on one day only—

☐ The discrimination happened on this date: _____

5B. If the act(s) of discrimination happened on more than one day—

☒ The discrimination began on this date: 8/12/05 - 11/29/05 and ended on this
date: 11/29/05 ~~2/7/05~~

6. On or about January 24, 2006 Plaintiff filed charges against Defendant with the Equal Employment Opportunity Commission [EEOC], charging Defendant with the acts of discrimination stated in paragraph 10 of this Complaint. [Not applicable to federal employees].

7. On or about April 17, 2006 the EEOC issued Plaintiff a RIGHT TO SUE LETTER.

8. Plaintiff received the RIGHT TO SUE LETTER on or about April 20, 2006.

Notice:
Attach to this Complaint a copy of your RIGHT TO SUE LETTER and the envelope in which the letter was received by you.

9. (Check one): The EEOC issued a DETERMINATION:

☐ Yes

☒ No

Notice:
If you checked *Yes*, attach to this Complaint a copy of the EEOC's DETERMINATION.

Special Instructions: Please read paragraph 10 carefully and completely before completing.

10. Defendant—

(place a check mark in all of the following selections that are applicable to your Complaint)

☐ Failed to employ Plaintiff

☒ Fired Plaintiff

☐ Failed to promote Plaintiff

☒ Harassed Plaintiff

☒ Other (specify clearly and briefly): Wrongful termination, a breach of an implied contract under Baxter Healthcare Corporation's written policies and procedures, intentional infliction of emotional distress, and breach of the covenant of good faith and fair dealing

because of—

☒ Plaintiff's race (state your race Black)

☐ Plaintiff's color (state your color _____)

☐ Plaintiff's sex (gender, pregnancy, or sexual harassment) (If applicable, state your sex and your claim: _____)

☐ Plaintiff's religion (state your religion _____)

☐ Plaintiff's national origin (state your national origin _____)

☐ Plaintiff's age (state your date of birth _____)

☐ Plaintiff's disability (state your disability _____)

☒ Plaintiff's earlier complaint of discrimination or opposition to acts of discrimination. (If you are alleging Retaliation, state the acts or events that you claim constitute retaliation:

After Plaintiff complained to the Personnel Manager, Jim McDonald, about (on Aug. 16, 2005) harassment and unfair treatment of Georgia Smith & Terry Lynn Jones, Georgia Smith falsified Plaintiff's Performance Management Objectives (PMO) review report on Aug. 18, 2005.

The acts or omissions stated above are: ☒ still being committed or omitted by Defendant; or,

☐ no longer being committed or omitted by Defendant.

11. State specifically and briefly what Defendant, or Defendant's agents, or Defendant's employees did that constitutes discrimination against you personally. Include in your statement specific dates and specific events or acts, and any specific comments or statements made by Defendant, Defendant's agents, or Defendant's employees pertaining to your discrimination claim.

On August 12, 2005, Defendants took disciplinary actions after failing to review relevant facts and following processes as stated in the Employee Handbook.

Defendants took disciplinary actions against plaintiff on word-of-mouth claims of co-worker, Terry Lynn Jones, yet took no disciplinary actions against White,

female co-worker, Emily Weeks, who made a worst error using the exact instrument that was the subject of Plaintiff's suspension on August 12, 2005. Emily Weeks error is recorded in Exception Report DS-05-0039.

Defendants terminated Plaintiff for error made on or around September 23, 2005 but to no such actions of termination with Personnel that caused Exceptions QI-04-0030 and QI-04-0033.

12. State the names of witnesses who would testify for you or on your behalf, and state briefly what they would say.

WITNESS'S NAME

WHAT THIS WITNESS WOULD SAY

13. Name all documents that you know of which would support your claim and state briefly what each document says or shows.

DOCUMENT	WHAT THE DOCUMENT SAYS OR SHOWS
<u>Employee Handbook</u>	<u>Order and instructions of written policies and procedures for Baxter Healthcare.</u>
<u>Form CLF-02-859(2/21/05) page 112</u>	<u>Relevant facts to be reviewed before disciplinary actions of Aug. 12, 2005 showing use of instrument 44mins after Plaintiff calibrated it for use.</u>
<u>Exception DS-05-0039</u>	<u>Shows worse error made by white, female co-worker vs. allegations of or result of suspension on Aug. 12, 2005.</u>
<u>Exceptions QI-04-0030 and QI-04-0033</u> EC 7/17/06	<u>Same but worse error made by white co-worker as error that resulted in Plaintiff's termination</u>
<u>Performance Objective Review (8/18/05)</u>	<u>Falsified performance review made by Georgia Smith. Review dated 7/29/05 with contents pertaining to events that occurred the following month of Aug. 2005.</u>
<u>QI-02-008, QI-02-0015, QI-02-0040</u>	<u>Multiple Exception Reports made by white personnel were no disciplinary actions taken.</u>
<u>Unemployment Appeals Hearing</u> <u>DK# 09998-R-05-01 (11/29/05)</u>	<u>Jim McDonald commits perjury in an attempt to cover up Defendants illegal actions while causing intentional emotional distress.</u>

14. (If applicable) Plaintiff has attached to this Complaint a copy of the charge Plaintiff filed with the EEOC. This charge is submitted as a brief statement of the facts supporting this Complaint.

15. Plaintiff requests that the court grant Plaintiff the following relief:

☐ Defendant be ordered to employ Plaintiff

☒ Defendant be ordered to re-employ Plaintiff

☐ Defendant be ordered to promote Plaintiff

☒ Defendant be ordered to give Plaintiff the "Zero Defects" week jacket that was given to all employees in October 2005 in a size large.

and that the court give Plaintiff such other relief as may be appropriate, including injunctive orders, damages, costs, and attorneys' fees.

16. I declare or certify or verify or state under penalty of perjury that the facts and statements in this Complaint are true and correct.

Date: 7/17/06

Zundria D. Crawford
Plaintiff's Signature

Zundria D. Crawford
Plaintiff's Printed Name

P.O. Box 681
Plaintiff's Street or P.O. Box Address

Cleveland, Mississippi 38732
City State ZIP

662-402-4740
Plaintiff's Telephone Number

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Zundria D. Crawford
25 Tolivar Cove
P. O. Box 681
Cleveland, MS 38732

From: Jackson Area Office - 423
100 West Capitol Street
Suite 207
Jackson, MS 39269



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

EEOC Representative

Telephone No.

423-2006-00172

Eszean S. McDuffey,
Investigator

(601) 948-8417

NOTICE TO THE PERSON AGGRIEVED:

(See also the additional information enclosed with this form.)

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in federal or state court WITHIN 90 DAYS** of your receipt of this Notice or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.



The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


Willie L. Schaffer,
Acting Area Office Director

4/17/06
(Date Mailed)

Enclosure(s)

cc: Jim Mc Donald
Personnel Manager
BAXTER HEALTHCARE CORP.
911 North Davis Avenue
Cleveland, MS 38732

Janet C. Hershman, MD, JD
Senior Counsel
Baxter International, Inc.
One Baxter Parkway
Deerfield, IL 60015-4633

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

423-2006-00172

Name (Indicate Mr., Ms., Mrs.)

State or local Agency, if any

and EEOC

Ms. Zundria D. Crawford

Home Phone No. (Incl Area Code)

(662) 402-4740

Date of Birth

04-09-1976

Street Address

City, State and ZIP Code

25 Tolivar Cove, P. O. Box 681, Cleveland, MS 38732

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

BAXTER HEALTH CARE CORPORATION

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(662) 843-9421

Street Address

City, State and ZIP Code

911 North Davis Avenue, Cleveland, MS 38732

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

08-01-2005

09-29-2005

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I. I was employed as a Quality Associate I (Chemist), and previously complained to Georgia Smith, white female Supervisor of the Chemistry Laboratory, that I was being denied appropriate training because of my race. I was discharged on September 29, 2005.

II. I was not provided a reason for being denied training. I was informed that my discharge was a result of causing regulatory risk to the Company, and because of errors made in relation to my job performance.

III. I believe that I have been discriminated against because of my race (black), and in retaliation for my opposition to employment practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended, in that:

I complained to Georgia Smith that I was not receiving appropriate training, yet Emily Weeks and Terry Lynn Jones (white female Chemists) had no problems receiving the necessary training to perform their job duties.

Management addressed errors that I made, yet ignored and took no disciplinary action against my white coworkers despite the fact that their errors caused major regulatory risks to the Company.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Date

Charging Party Signature

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
JACKSON AREA OFFICE
100 WEST CAPITOL STREET SUITE 207
JACKSON, MISSISSIPPI 39269

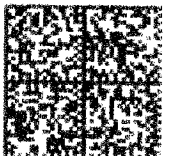
OFFICIAL BUSINESS
Penalty for Private Use, \$300

Received on
4/20/06
L. J. [Signature]

36732#0664-5997

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